

**IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

JAMMY DEMOND BELL,

:

Plaintiff,

:

vs.

:

CIVIL ACTION NO. 04-0257-WS-D

C. HADLEY, et al.,

:

Defendants.

:

ORDER

After due and proper consideration of all portions of this file deemed relevant to the issue raised, and there having been no objections filed, the Report and Recommendation of the Magistrate Judge made under 28 U.S.C. § 636(b)(1)(B) is **ADOPTED** as the opinion of this court. It is **ORDERED** defendants M. Washington, O. McWilliams, G. Coleman, and Cpl. J. McCall be and are hereby **DISMISSED** without prejudice, prior to service of process, pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) because plaintiff's claims against them fail to state a claim upon which relief can be granted.

DONE and **ORDERED** this 5th day of October, 2005.

s/WILLIAM H. STEELE

UNITED STATES DISTRICT JUDGE